

## HOUSE BILL NO. 69

INTRODUCED BY R. DRISCOLL

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING MODIFICATION OF MUFFLERS TO INCREASE NOISE EMITTED FROM EXHAUST SYSTEMS; PROVIDING AN EXEMPTION FOR CERTAIN MOTOR VEHICLES; AND AMENDING SECTIONS 61-9-403 AND 61-9-435, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-9-403, MCA, is amended to read:

**"61-9-403. Mufflers -- prevention of noise.** (1) Every motor vehicle ~~shall~~ must at all times be equipped with a muffler in good working order, in compliance with 61-9-435, and in constant operation to prevent excessive or unusual noise and annoying smoke, ~~and no.~~ A person shall may not use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway.

(2) The engine and power mechanism of every motor vehicle ~~shall~~ must be ~~so~~ equipped and adjusted as to prevent the escape of excessive fumes or smoke."

**Section 2.** Section 61-9-435, MCA, is amended to read:

**"61-9-435. Exhaust noise limitation -- exemptions.** (1) Except as provided in subsection (3), a person may not ~~operate a motor vehicle with an exhaust system that emits a noise in excess of 95 decibels, as measured by the society of automotive engineers' standard j1169 (May 1998)~~ modify the exhaust system of a motor vehicle in a manner that will amplify or increase the noise emitted by the engine of the motor vehicle in excess of the noise emitted by the muffler installed on the motor vehicle in the manufacturer's original design.

(2) A person charged with violating this section may not be convicted if the person had reasonable grounds to believe that the vehicle was ~~not~~ operated in ~~violation of the standard in~~ compliance with subsection (1).

(3) ~~This section does not apply to~~ The following vehicles are exempt from the provisions of subsection (1):

(a) a motorcycle or quadricycle that is subject to 61-9-418;

(b) a motor vehicle that is at least 25 years old;

(c) a light vehicle being operated in an off-highway organized racing or competitive event."

**NEW SECTION.** **Section 3. Saving clause.** [This act] does not affect rights and duties that matured, or proceedings that were begun before [the effective date of this act].

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